

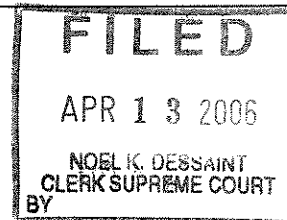
APR 13 2006

CLERK SUPREME COURT

JAMES D V STEVENSON

R-05-0034

From: "JAMES D V STEVENSON" <PROJAN7211@MSN.COM>
To: <president@azbar.org>
Sent: Tuesday, February 14, 2006 10:40 AM
Subject: Proposed dues and MCLE changes



Dear Ms. Grimwood,

I am responding to the part of the State Bar's petition to the Supreme Court that would require members returning from inactive status to "show completion of required MCLE hours for each of the last two years for which the member was on inactive status."

I believe this is an unfair, unrealistic, and impractical proposal. It is unfair because members using inactive status are not all attempting to circumvent MCLE requirements while practicing law. In fact, I would guess that the vast majority of inactive members are not involved in such unethical subterfuge. The "remedy" is poorly designed and should be changed so it does not punish people making legitimate life planning decisions in good faith.

The proposal is unrealistic because it assumes that members wanting to return from inactive status will know they want to do so far in advance. Life is full of unexpected twists and turns. Situations that seem stable can be overthrown in an instant, requiring sudden career decisions. What about an attorney who decides to go "inactive" to raise children with the cooperation of a working life partner, and then that partner becomes ill, dies, or leaves? Should that attorney then have to wait two years to return to the profession while completing CLE or go on a frantic, expensive CLE binge to rack up 30 units before reapplying?

The proposal is impractical for at least two reasons. The foregoing example exposes vagueness in the drafting that would create problems. Must the attorney returning to active status complete the CLE for the prior two years within those years, or can the attorney complete all the CLE for the prior two years and the year returning to practice all at once, in the year returning? The latter instance would require cramming 45 CLE units into one year or perhaps much less time, depending on the month the attorney became "active" again. In addition to the time the classes would consume, the expense could be several thousand dollars for that many units. Furthermore, what is the likelihood that so many units would be available in an attorney's practice area on short notice? Or would the Bar be satisfied with any CLE class, no matter how irrelevant to the attorney's competence at actual tasks to be performed?

If the Bar wants to catch cheaters, focus on that. Create guidelines and flags within the registration system to detect members who change status more than once per year, or whatever interval will suffice. Let exceeding that threshold give rise to a rebuttable presumption that the member is attempting to evade CLE requirements. Proceed by correspondence and/or hearing to require that member to rebut the presumption or face disciplinary measures. Such a system should accomplish the desired goal without punishing members who select inactive status in good faith.

Sincerely,
James D. V. Stevenson
Member No. 015315, inactive

P.S. The chart on the Bar website illustrating the effect of the proposed changes shows an inaccurate figure for the current dues amount for inactive members. It has been \$265 for some time, not \$215.

2/14/2006